IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 32658 of 2004(K)
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PETITIONER:
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R.PADMANABHAN, S/O.GOVINDAN,
RERICHAL, KAIVELI, NARIKKODE, KOTTILA P.O.
EZHOM VIA, KANNUR DISTRICT.

BY ADV. SRI.A.K.ABDUL AZEEZ

RESPONDENTS:
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1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE,
FUND BOARD, KANNUR DISTRICT.

2. THE SPECIAL DEPUTY TAHSILDAR, NO.1.
REVENUE RECOVERY, KANNUR DISTRICT.

BY ADV. SRI.PAULSON C.VARGHESE,SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 PHOTOSTAT COPY OF THE PROVISIONAL DETERMINATION ORDER DATED 26.7.2003, 4.11.2003

EXT.P2 PHOTOSTAT COPY OF THE FINAL DETERMINATION ORDER DATED 12.8.2003

EXT.P3 PHOTOSTAT COPY OF THE REVENUE RECOVERY NOTICE DATED NIL

EXT.P4 PHOTOSTAT COPY OF THE JUDGMENT IN WPC 7081 OF 2004 DATED 10.3.2004

EXT.P5 PHOTOSTAT COPY OF THE DEMAND NOTICE NO. D4 5/04/05 KMT DATED 12.5.2004

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

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W.P.C. NO. 32658 OF 2004

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Dated this the 21st day of November, 2007

JUDGMENT

Even though petitioner is challenging the demand against Motor Transport Workers Welfare Fund contribution for the years 2001-02 and 2002-03 on the ground that the vehicle was sold on 5.6.2002, standing counsel pointed out that demand is only for two months in 2002-03 and for the whole year of 2001-02. He further pointed out that demand produced in this court is only for the year 2001-02. In any case since demand is only for the period when the petitioner operated the lorry and only for the driver, there is no scope for interference with the amount demanded. However, petitioner is granted four equal monthly instalments to clear the arrears first of which will be paid on or before 31st of January, 2008 and the balance on or before last day of the three succeeding months. Recovery proceedings will be kept in abeyance for payments as above. If petitioner commits default in payment of any instalment, the instalment facility will stand automatically cancelled and respondents will be free to proceed for

recovery of the entire arrears due. If payments are made as above, no collection charges will be recovered from the petitioner.

(C.N. RAMACHANDRAN NAIR)
Judge